

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

| | | |
|------------------------------|---|--------------------------------|
| CHARLIE THORNTON, |) | |
| Plaintiff, |) | |
| |) | CIVIL ACTION NO.: 05-10210-RGS |
| v. |) | |
| |) | |
| UNITED PARCEL SERVICE, INC., |) | |
| Defendant. |) | |

MOTION IN LIMINE TO EXCLUDE EVIDENCE OF FATAL ACCIDENT

Now comes the Plaintiff, Charlie Thornton, and hereby moves this Court to prohibit counsel for the Defendant from admitting any evidence of the fatal accident which occurred in the 1980's while Plaintiff was driving for U.P.S. and to order counsel to instruct his witnesses not to mention any such evidence. As grounds therefore, the Plaintiff states that the evidence is irrelevant to the issue of whether the Defendant violated the Americans with Disabilities Act. See Fed. R. Evid. 401. Moreover, such evidence would constitute an improper attack on the Plaintiff's character. See Fed. R. Evid. 404.

WHEREFORE, the Plaintiff respectfully requests that this Court prohibit any mention of the accident.

Respectfully Submitted,
Charlie Thornton
By his attorneys

DATED: February 4, 2008

//s// Michael Tumposky
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LOCAL RULE 7.1 CERTIFICATION

Undersigned counsel certifies that the parties have conferred and have attempted in good faith to resolve or narrow the issue.

//s// Michael Tumposky
Michael Tumposky

CERTIFICATE OF SERVICE

I, Michael Tumposky, hereby certify that, on this the 4th day of February, 2008, I served a copy of this document, where unable to do so electronically, by first-class mail on all counsel of record in this matter.

//s// Michael Tumposky
Michael Tumposky